



South Carolina House of Representatives

Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.

HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent the Senate **H.3360**, a bill establishing a revised procedure for **TRANSFERRING ROADS TO AND FROM THE STATE HIGHWAY SYSTEM** that facilitates such transfers in cases where the state is in agreement with local authorities or other parties by removing such restrictions as the current requirement that roads transferred out of the state highway system must involve a swap of mileage into the system. Under the legislation's revised procedures, a county or municipality and the state Department of Transportation may, by mutual consent, agree to a transfer from the local road system to the state highway system of a road, either 'as is', without further improvements, or with mutually agreed upon terms and conditions. If DOT determines that a road in the county or municipal road system is necessary for the interconnectivity of the state highway system, and the county or municipality does not consent to the transfer, DOT may initiate a condemnation action to acquire the road, or a portion of it, and the local government is not required to make any further improvements to it. The legislation authorizes DOT to transfer from the state highway secondary system any road determined to be of low traffic importance to a county or municipality, a school, a governmental agency, a nongovernmental entity, or a person, with mutual consent. The legislation establishes special conditions that must be met to assure that all parties are in agreement in all instances where a road is to be transferred to a private individual or other nongovernmental entity. Notification of a road transfer must be given to the county's legislative delegation.

The House amended, approved, and sent the Senate **H.3184**, a bill revising eligibility criteria for the **EXPUNGEMENT OF CRIMINAL RECORDS**. The legislation provides that a person may be eligible for expungement of a first offense crime which carries a maximum fine of \$1,000, rather than \$500 as current law provides, including a conviction in magistrates or general sessions court. The legislation also includes instances where a person has been issued a courtesy summons within the provisions that require the destruction of arrest and booking records, files, mug shots, and fingerprints and disallow law enforcement from retaining pertinent evidence when proceedings against the person are dismissed, or the person is found not guilty of the charge.

The House amended, approved, and sent the Senate **H.3459**, a bill providing for **INSPECTORS AT THE SOUTH CAROLINA BOARD OF ACCOUNTANCY**. The legislation provides authorization for two new full-time certified public accountant staff positions for the Board of Accountancy at the Department of Labor, Licensing and Regulation, one an administrator, the other an inspector-investigator, so that the board will have the capability of conducting periodic inspections of licensees and firms rather than simply performing audits in response to complaints.

The House amended, approved, and sent the Senate **H.3423**, a bill establishing **CONTINUING EDUCATION REQUIREMENTS FOR THOSE LICENSED BY THE MANUFACTURED HOUSING BOARD**. The legislation establishes requirements for six hours of continuing education every two years for licensed manufactured home retail dealers, retail salesmen, installers, contractors, and repairers as a prerequisite for license renewal.

The House approved **S.91**, relating to **DEER BAITING** in the hunting and taking of antlered deer, and enrolled the bill for ratification. By making it lawful to bait for deer in the Upstate's Game Zones 1 and 2, the legislation authorizes deer baiting statewide.

The House approved **S.165**, legislation **EXTENDING THE HUNTING SEASON FOR ALLIGATORS ON PRIVATE LAND**, and enrolled the bill for ratification. The legislation extends the season so that it will run from September through May, rather than its current duration of September through mid-October .

The House amended, approved, and sent the Senate **H.3047**, a bill regarding **GIGGING FOR FLOUNDER**. The bill provides that it is unlawful for a person to gig for flounder in salt waters during the daylight hours. The prohibition does not apply to spear fishing. A violator is subject to a fine of up to one hundred dollars or imprisonment for not more than thirty days.

The House approved **S.244** and enrolled the bill for ratification. The legislation revises the status of the **BELLE W. BARUCH FOUNDATION** in Georgetown County so that it will no longer be subject to bird and game refuge restrictions.

HOUSE COMMITTEE ACTION

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee met on Wednesday, February 20, 2013, and reported out two bills.

H.3472, relating to the **CONVERSION OF A PRIVATE SCHOOL TO A CHARTER SCHOOL**, received a favorable report. This legislation allows private schools to convert to charter schools without having to dissolve and close for a period of twelve months if the private school's student population reflects the racial composition of the local school district in which the private school is located.

Private schools that wish to convert without having to dissolve and close must adhere to certain statutory provisions. Private schools that successfully convert to charter schools will be held to the same requirements as all other charter schools.

The full committee gave a favorable with amendment report to **H.3229**. This legislation establishes the **OFFICE OF INTERSCHOLASTIC ATHLETICS WITHIN THE STATE DEPARTMENT OF EDUCATION** as the sole governing body of athletics for South Carolina public schools. The Superintendent of Education shall appoint a director of the office with prior experience as a coach or athletics director at the high school level.

Regulations

The State Board of Education must promulgate regulations. Among other things, these regulations must pertain to the administration of the office; enforcement of rules; regulations and statutory provisions; procedures for reaching decisions and appeals arising from those decisions; student eligibility; administration of related athletic activities of schools subject to the jurisdiction of the office; official rules for interscholastic athletic

contests; collections of dues and revenues in a manner similar to the South Carolina High School League; awards; and other matter pertaining to interscholastic athletics. When establishing regulations, the State Board of Education must ensure a range of sanctions that may be applied depending upon relevant factors. Also, the State Board must promulgate emergency regulations to ensure the continuance of athletic contests pending General Assembly approval of the regulations.

Participation

A public school that engages in interscholastic athletics or a private school wishing to compete with a public school in interscholastic athletic events must submit to and comply with these provisions and may not contract with, join, or otherwise associate with the South Carolina High School League. A private or charter institution that is a member of the office must be afforded all rights and privileges granted to other teams.

Committees

Advisory Committee

The legislation establishes a thirteen member advisory committee to assist the evaluation by the office of the overall interscholastic athletic program and to make recommendations to the office concerning matters that would enhance interscholastic competition. Also, the advisory committee may make recommendations concerning issues of safety, competitiveness, eligibility, academic requirements, participation and practice limitations, residence and attendance areas, transfers, recruiting and other issues as requested by the office. Advisory committee members are appointed by the Superintendent of Education, many upon the recommendation of various stakeholders; however, each member of the committee serves at the pleasure of the Superintendent.

Committee on Appeals

The office shall establish a procedure to ensure students, schools, and coaches may appeal adverse rulings of alleged violations and be afforded due process. The legislation establishes a thirteen member committee on appeals. The legislation includes provisions for appointment of committee members by various individuals; representation on this committee includes the general public, athletics coaches or athletic directors, public and private high school principals, and the business community. An appeal of a decision of the director must be made to the committee on appeals within 90 days. The committee on appeals must hear the appeal and render a written decision. The decision of the committee on appeals constitutes the final action of the agency and may be appealed pursuant to the Administrative Procedures Act; the Administrative Law Court must review an appeal on an expedited basis. The office shall develop an emergency appeals procedure to use if a normal appeals process would affect participation in an athletic event.

Eligibility to Serve on a Committee

A person may not serve concurrently as a member of the advisory committee and the committee on appeals. Also, the legislation includes a five year period of ineligibility for service on the other committee following tenure on one committee.

JUDICIARY

The full Judiciary Committee met on Tuesday, February 19, and reported out favorably **H.3378** which enacts the "**VOLUNTEER SERVICE PERSONNEL APPRECIATION ACT**". This legislation allows the governing body of a local government to authorize the distribution of a gratuitous year-end or holiday monetary or other type of gift to the following categories of volunteer service personnel: (1) reserve law enforcement officers; (2) volunteer firefighters; or (3) volunteer emergency medical service personnel. If the governing body elects to make a distribution, the legislation requires the governing body to treat all persons within one of these categories equally.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affairs Committee met on Tuesday, February 19, 2013, and reported out several bills.

The full committee gave a favorable with amendment recommendation to **H.3161**, relating to the changes in standards and best practices for **COMPOUNDING PHARMACIES**. Federal law divides drug-making into two categories, manufacturing and compounding. Manufacturing involves the mass production of prescription drugs and is regulated by the U.S. Food and Drug Administration (FDA). Compounding is the process a pharmacist uses to customize a medication for a patient as directed by a prescription and this method is regulated primarily by state pharmacy boards. According to the most recent data available from the SC Board of Pharmacy, there are 143 compounding pharmacies in South Carolina. Eighty-five of those compounding pharmacies are institutional.

The bill incorporates United States Pharmacopeia (USP) safety standards and best practices for pharmacy compounding into the S.C. Pharmacy Practice Act. As a result, the changes include new technical definitions; detailed environmental, safety and quality controls; and standards of practice for compounding pharmacies.

H.3011, relating to the designation of "**PURPLE HEART DAY**" in South Carolina, was given a favorable recommendation by the full committee. Currently, South Carolina recognizes "Purple Heart Day" on the third Saturday in February, this bill changes the day of recognition to the seventh day of August in order to be in line with the rest of the nation.

H.3356, regarding the **ANNUAL REPORT OF THE ADJUTANT GENERAL**, was given a favorable with amendment recommendation by the committee. Currently the report goes to the Governor annually, the bill adds the General Assembly to the distribution list.

The full committee gave a favorable recommendation to **H.3411**, which allows for the use of hair extensions in **HAIR BRAIDING**, except when used in public places, including, but not limited to, beaches, parks, and sidewalks.

WAYS AND MEANS

The Ways and Means Committee met during the week and reported out its \$22.3 billion proposed **STATE GOVERNMENT BUDGET** for Fiscal Year 2013-2014 along with related freestanding legislation.

The committee gave a report of favorable with amendment on **H.3412**, a bill **REDIRECTING MOTOR VEHICLE SALES TAX REVENUE TO FUND HIGHWAY, ROAD, AND BRIDGE MAINTENANCE, CONSTRUCTION, AND REPAIR**. Under the legislation, motor vehicle sales tax revenues would serve as a dedicated funding source for the state's infrastructure needs with taxes collected on the sales of motor vehicles, capped at \$300 for each vehicle, credited to the State Non-Federal Aid Highway Fund to be used exclusively for highway, road, and bridge maintenance, construction, and repair. The redirection of revenue is to be phased in over the course of two years, and, during the two-year phase-in period, Education Improvement Act items are to be held harmless with transfers from income tax revenues shielding the EIA from any reductions that would be required by the loss in sales tax revenue. For Fiscal Year 2013-2014, \$41.4 million in motor vehicle sales tax revenue is redirected for infrastructure needs and \$10.4 million in income tax revenue is redirected to hold the EIA harmless.

Additionally, the budget legislation devotes \$60 million in unobligated general fund revenue generated during the current fiscal year to bridge rehabilitation and replacement.

For Fiscal Year 2013-201, the budget legislation transfers to the Non-Federal Aid Highway Fund 1% of the proceeds from 13 cents of the gasoline user fee and 10% of the one fourth cent per gallon fee charged for the inspection, testing, and analysis of petroleum products.

\$25 million from the Capital Reserve Fund is included to provide an additional year of consumer protection services for those citizens whose personal financial information was compromised as a result of the Department of Revenue computer security breach of 2012. Any remaining funds are to be used for state agency cyber security improvements.

The budget legislation does not include an expansion in eligibility for the state's Medicaid Program as allowed by the federal "Patient Protection and Affordable Care Act" of 2010. Instead, the proposed budget includes a new comprehensive Medicaid Accountability and Quality Improvement Initiative to be undertaken by the state Department of Health and Human Services upon approval by the Centers for Medicare and Medicaid Services (CMS). A total of up to \$35 million (\$10.5 million in state funding) is devoted to the Healthy Outcomes Initiative which would provide financial incentives for hospitals to reduce reliance on comparatively expensive emergency room treatment. \$20 million (\$6 million in state funding) is provided to pay 100% of the uncompensated care costs at designated rural hospitals. New Disproportionate Share Hospital (DSH) payment accountability provisions are included for uncompensated care payment claims-level data improvements. \$10 is devoted to Federally Qualified Health Centers as part of a primary care safety net program for the treatment of low-income, uninsured patients that also involves rural health clinics, free clinics, and Welvista. \$8 million is provide to enhance a telemedicine program at the Medical University of South Carolina. \$1.6 million is devoted to an initiative to enhance rural provider capacity by leveraging the

state's Graduate Medical Education program and Supplemental Teaching Payments, leveraging the use of teaching hospitals to encourage physicians to work in underserved areas, expand the use of Telemedicine, and ensure targeted placement of and support of OB/GYN services in at least four counties with demonstrated needs. \$7 million is provided for the Optional State Supplement that assists elderly, blind, or disabled individuals in paying for community residential care facilities.

Should the federal Department of Health and Human Services notify the states that it will accept applications for waivers for Medicaid eligibility for non-disabled childless adults whose income is up to 100% of the Federal Poverty Level, a proviso requires the South Carolina Department of Health and Human Services to submit an application for this waiver which must include strategies for improving health outcomes, purchasing the most healthcare for the least possible cost, and continuing implementation of coordinated care.

The Department of Health and Human Services is charged with coordinating a multi-agency initiative to combat obesity in the state.

Of the cigarette surtax funds received by the Department of Health and Environmental Control, \$1 million must be used for Best Chance Network breast cancer screenings and \$1 million must be used for Colorectal Cancer Awareness/Protection initiatives.

The proposed budget devotes around \$175 million new dollars to K-12 education for the 2013-2014 fiscal year.

\$77 million in new funding is directed to the Education Finance Act, with \$20.5 million used to maintain the current base student cost in the face of enrollment growth and an additional \$56.4 million used to increase the base student cost to an estimated \$2,100.

School districts are directed to award a teacher salary step increase and sufficient funds are included to cover these pay raises.

The budget legislation suspends state-funded teacher salary supplements for National Board Certification for new applicants during the coming fiscal year and requires a study on the effectiveness of the state's National Board Certification incentive program.

Around \$13 million dollars is devoted to school transportation for the maintenance and upkeep of the state's school bus fleet. \$10.5 million from the Capital Reserve Fund is included for the purchase or lease of new school buses.

School districts are directed to make use of funding flexibility provisions to ensure that district-approved safety precautions are in place at every school.

Over \$36 million is set aside in a contingency fund to replace the possible loss of federal Individuals with Disabilities Education Act (IDEA) funds. Should the state prevail in its lawsuit regarding its funding of education for students with disabilities the contingency fund will, instead, be distributed to the school districts using the Education Finance Act funding formula.

Full funding is provided for the LIFE, HOPE, and Palmetto Fellows higher education scholarship programs.

A proviso is included that prohibits the state's institutions of higher learning from making use of state aircraft for athletic recruiting purposes.

\$7.5 million is devoted to worker training through the Ready SC Program at the state's technical colleges. \$5.5 million is included for System-wide Infrastructure and Workforce Development at the State Board for Technical and Comprehensive Education. \$2.5 is provided for the Board's Manufacturing Skills Standards Council Initiative.

\$13.3 million is provided for the Deal Closing Fund that the Department of Commerce uses to recruit new business to the state. \$1 million in capital reserve funds is included for the Department's Business Incubator Program.

\$3 million is included for tourism sales and marketing at the Department of Parks, Recreation, and Tourism the Department \$4 million is included for the destination-specific tourism advertising program.

Increased costs for operating the state's health insurance plan are addressed through a 6.8% increase in employer premiums and no increase in the premiums paid by employees, but an increase in co-payments of up to 20%. The State Budget and Control Board is prohibited from making unauthorized adjustments to State Health Plan premiums.

The committee approved **H.3501**, a bill suspending the statutory requirement for distributing 4.5% of the previous year's state General Fund amount to the counties and municipalities and, instead, keeps the Local Government Fund at its current reduced level of \$183 million and aid to subdivisions at its current \$17 million level. However, an additional \$30 million in nonrecurring funds made up of unobligated general fund revenue generated during the current fiscal year is devoted to the Local Government Fund.

\$1.7 million is included for a 3% pay raise for front line correctional officers in Tier III facilities at the Department of Corrections.

\$2 million from the Capital Reserve Fund is included for Forestry Commission firefighting equipment.

The Arts Commission continues to be funded at current state dollar levels.

The budget legislation continues the funding rationale that eliminates all general funds for South Carolina Educational Television, but allows SCETV to retain revenue derived from contracts for the use of its broadcast towers, signal spectrum and other facilities and services in order to fund its operations.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.304 FRESH WATER FISHING Sen. Shealy

This bill among many things makes technical changes to the possession of game fish, revises definition of the term "bait fish". The bill also changes the age requirement of persons in a boat that may use an unlimited number of fishing devices.

S.305 GEOGRAPHIC BOUNDARIES OF THE STATE'S BODIES OF WATERS Sen. Courson

This bill makes technical changes to certain geographic boundaries of waters in the state.

H.3558 DEER HUNTING Rep. Vick

This bill repeals Section 50-19-960, the provision outlining that it is unlawful to hunt deer with dogs in Lancaster County.

H.3571 BAIT THAT MAY BE USED WITH TROT LINES, SET HOOKS, AND JUGS Rep. Barfield

The bill revises the size of hooks that may be used to fish along certain rivers.

H.3579 TAKING OF NONGAME FISH IN GILL NETS Rep. Barfield

Along the Little Pee Dee River upstream of Punch Bowl Landing, no net may be set within seventy-five feet of a gill net previously set, drifted within seventy-five feet of another drifting net, or placed or set within seventy-five feet of the confluence of a tributary.

EDUCATION AND PUBLIC WORKS

S.151 INTRASTATE VISION WAIVER PROGRAM Sen. Grooms

Relating to qualifications for a commercial driver's license, this legislation establishes the Intrastate Vision Waiver Program. The legislation provides that certain visually impaired individuals may obtain a waiver from the sight requirements associated with a commercial driver's license, and it provides eligibility requirements for the waiver, the circumstances under which a waiver may be granted, and the procedures for obtaining a waiver.

H.3572 BOARDS OF TRUSTEES OF CERTAIN FOUR-YEAR STATE-SUPPORTED INSTITUTIONS OF HIGHER LEARNING Rep. Barfield

This legislation relates to the boards of trustees of certain four-year state-supported institutions of higher learning including the University of South Carolina, Clemson University, the Medical University of South Carolina, the Citadel, Winthrop University, South Carolina State University, Lander University, Francis Marion University, and Coastal Carolina University. The legislation adds one member to the board of trustees of each institution and provides for the manner of appointment of these additional members.

H.3594 GOLF CARTS Rep. Herbkersman

This legislation allows golf cart equipped with headlights and rear lights to be operated at night.

H.3596 *BELT LINES AND SPURS* Rep. Lucas

This legislation repeals Section 57-5-90 relating to the establishment of belt lines and spurs.

H.3601 *"SCHOOL PROTECTION OFFICER ACT"* Rep. Barfield

This legislation enacts the "School Protection Officer Act". The term "school protection officer" means a person certified as a Class 4 officer by the Law Enforcement Training Council and intended to provide armed protection and other specific public safety and first responder functions to public school children and employees. The legislation provides that each school may employ a school protection officer during regular operational hours during the school year. The legislation creates a class 4 law enforcement officer category for the designation of school protection officers and provides that the Law Enforcement Council must develop guidelines for related training that must be offered by the Criminal Justice Academy. The legislation provides specific requirements for this training and provides necessary definitions.

JUDICIARY

S.22 *"SOUTH CAROLINA RESTRUCTURING ACT OF 2013"* Sen. Sheheen

This legislation proposes to eliminate the State Budget and Control Board, devolving most of its functions upon a newly created Department of Administration in the executive branch of government and transferring select functions to other entities, the State Fiscal Accountability Authority, Rural Infrastructure Authority, and the South Carolina Confederate Relic Room and Military Museum Commission. The legislation transfers the Energy Office to the Office of Regulatory Staff and transfers regulation of minerals and mineral interests on public lands and the regulation of Geothermal Resources into the Department of Health and Environmental Control. The legislation also includes provisions for legislative oversight of executive departments authorizing committees of the General Assembly to conduct periodic reviews of state government functions. Among other things, the legislation enacts the "State Agency Deficit Prevention and Recognition Act"; revises the name of the Office of Legislative Printing, Information and Technology Systems to Legislative Services Agency and provides for a Legislative Fiscal Office responsible for revenue and fiscal impact statements as a division the Legislative Services Agency; establishes an Executive Budget and Strategic Planning Office within the Department of Administration; adds members to the Charleston Naval Complex Redevelopment Authority and establishes the Charleston Navy Base Museum Authority as a division of the Charleston Naval Complex Redevelopment Authority to undertake the duties and responsibilities of the Hunley Commission; and in 2020 requires the Legislative Audit Council to conduct a performance review of these provisions to determine its effectiveness and achievements with regard to the more efficient performance of the functions and duties of the various agencies and the cost savings and benefits to the State. While the legislation ultimately eliminates the State Budget and Control Board, it does include provisions for information security within the Board.

S.213 NONPROFIT RAFFLES FOR CHARITABLE PURPOSES Sen. Cleary

Currently, only the state may operate a lottery, and raffles are considered a lottery. This legislation authorizes qualified nonprofit organizations to operate and conduct raffles through registration with the Secretary of State. The legislation provides standards for these events, requires proceeds to be used for charitable purposes, and provides penalties for violations. These provisions become effective after ratification of an amendment to State Constitution.

**S.239 PROPOSED CONSTITUTIONAL AMENDMENT AUTHORIZING
RAFFLES TO BE OPERATED AND CONDUCTED BY NONPROFIT
ORGANIZATIONS Sen. Cleary**

Currently, only the state may operate a lottery, and raffles are considered a lottery. This joint resolution proposes to amend the State Constitution relating to lotteries. A raffle, if provided for by general law and conducted by a nonprofit organization for charitable, religious, fraternal, educational, or other eleemosynary purposes is not a prohibited lottery. The general law must define the type of nonprofit organization authorized to operate and conduct a raffle, provide standards for the operation and conduct of raffles, provide for the use of proceeds for religious, charitable, fraternal, educational, or other eleemosynary purposes, provide penalties for violations, and provide for other laws necessary to ensure the proper functioning, honesty and integrity of the raffles. If there is no general law enacted, then a raffle is still a prohibited lottery. The proposed amendment must be submitted to the qualified electors at the next general election.

S.374 CHEROKEE COUNTY REGISTER OF DEEDS Sen. Peeler

Relating to the performance of the duties of the Register of Deeds, this legislation adds Cherokee County to those counties exempt from the requirement that those duties be performed by the Clerk of Court. This legislation adds Cherokee County to those counties where the governing body of the county shall appoint the Register of Deeds.

**H.3537 REVISIONS TO THE "SOUTH CAROLINA TORT CLAIMS ACT"
Rep. Whipper**

This legislation provides that an action seeking damages of \$5,000 or less brought pursuant to the South Carolina Tort Claims Act must be filed in magistrates court. The legislation further provides that in an action seeking damages of \$5,000 or less in which a state agency or political subdivision is a party, the state agency or political subdivision may be represented by a department manager, staff person, or another official. However, these representatives may not receive compensation for representing a state agency or political subdivision.

H.3538 ALTERNATIVE NICOTINE PRODUCTS Rep. Bannister

This legislation defines the terms "alternative nicotine product" and "electronic cigarette". The legislation includes alternative nicotine products in the purview of the statute that prohibits the sale or purchase of tobacco products for minors.

**H.3539 SALE OF ALCOHOLIC LIQUORS ON STATEWIDE ELECTION DAYS
Rep. Rutherford**

This legislation allows the sale of alcoholic liquors on statewide election days.

**H.3540 APPOINTMENT OF THE ADJUTANT GENERAL BY THE GOVERNOR
Rep. Harrell**

This legislation provides for the appointment of the Adjutant General by the Governor upon the advice and consent of the Senate for a four year term. However, the initial term of the first Adjutant General appointed must be for two years so as to allow subsequent terms to be staggered with that of the Governor. The Adjutant General is the commander of all military forces within the South Carolina Military Department, and the legislation provides that he is responsible to the Governor in his role as Commander in Chief for the proper performance of his duties. The Adjutant General may be removed by the Governor only for certain reasons constituting cause. This legislation establishes certain qualifications for the office of Adjutant General. These provisions are effective upon ratification of a constitutional amendment deleting the requirement that the State Adjutant General be elected.

**H.3541 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO THE
ADJUTANT GENERAL Rep. Harrell**

This joint resolution proposes to amend the State Constitution relating to the Adjutant General. The proposed amendment deletes the Adjutant General from the list of State Officers which the Constitution requires to be elected. The proposed amendment also deletes an obsolete reference to Inspector General and makes a conforming change to the rank of the Adjutant General. The proposed amendment provides that beginning on the date of the ratification of this amendment, the Adjutant General must be appointed by the Governor upon the advice and consent of the Senate for a four year term commencing on the first Wednesday following the second Tuesday in January following the general election, which marks the midterm of the Governor, except that the initial term of the first Adjutant General appointed pursuant to this amendment must be for two years so as to allow subsequent terms to be staggered with that of the Governor. The proposed amendment provides that the General Assembly shall provide by law for the duties, compensation, and qualifications for the office, the procedures by which the appointment is made, and the procedures by which the Adjutant General may be removed from office. The proposed amendment must be submitted to the qualified electors at the next general election.

H.3554 SAMPLES AND SALES OF BEER AT BREWERIES Rep. Cole

Relating to samples and sales of beer at breweries, this legislation specifies that fourteen percent alcohol by weight is the maximum that may be offered for on-premises consumption. The legislation allows for the sale of sixty-four ounces of beer to a consumer every twenty-four hours, provides the beer must be sold at the approximate retail price, provides that appropriate taxes must be remitted, and clarifies that a certain provision applies to off-premises consumption.

H.3555 SOUTH CAROLINA EDUCATION LOTTERY Rep. Sellers

This legislation provides that by July 1, 2013, the South Carolina Lottery Commission shall issue a request for proposals soliciting bids from private entities for them to assume and undertake the duties and responsibilities of organizing and conducting the South Carolina Education Lottery under the supervision and control of the commission and its executive director. The legislation requires the request for proposals to stipulate that the compensation of the private entity for performing these functions must be paid by the commission from funds the commission already receives and no new additional revenue must be allocated for this purpose and provides that a contract with a private entity for organizing and conducting the education lottery must be entered into by December 31, 2013. Relating to the powers and duties of the executive director of the lottery

commission, this legislation provides that the authority of the commission and the executive director of the commission to enter into contracts, includes contracts for a private entity to organize and to conduct the education lottery.

H.3556 "SOUTH CAROLINA BALANCE OF POWERS ACT" Rep. Huggins

This legislation enacts the "South Carolina Balance of Powers Act" to clarify the compact entered into between the State of South Carolina and the United States. The legislation asserts the sovereignty of the State under the South Carolina Constitution, prohibits the infringement of the constitutionally protected rights of the State of South Carolina or its people by means of any federal statute, mandate, executive order, judicial decision, or other act deemed by this State to be unconstitutional. The legislation creates the Joint Legislative Committee on the Neutralization of Federal Law, and it provides for the membership and duties of the committee.

**H.3560 POSSESSION OF A HANDGUN OR CONCEALED WEAPONS
PERMIT BY THE MENTALLY ILL Rep. Tallon**

This legislation prohibits a person adjudicated mentally incapacitated or committed to a mental institution from possessing or acquiring a handgun. Relating to the confidentiality of mental health commitment and treatment records, this legislation authorizes reporting information in these records to the National Instant Criminal Background Check System (NICS) to be utilized in determining if a person is disqualified from purchasing a firearm. This legislation establishes a confidential process for compiling and transmitting information on persons who have been adjudicated mentally incapacitated or committed to a mental institution, thereby being disqualified from possessing or acquiring a handgun. The legislation requires the State Law Enforcement Division (SLED) to transmit this information to NICS. The legislation requires SLED to cross check the names sent to NICS with SLED's database for concealed weapons permits to ascertain if any permits must be revoked. The legislation establishes a judicial process for persons prohibited from possessing firearms, due solely to an adjudication as mentally incapacitated or commitment to a mental institution, to obtain removal of the disqualifications that prohibited them from possessing firearms.

H.3562 UNIFORM TRAFFIC TICKETS Rep. Pope

This legislation provides that a uniform traffic ticket must be used in an arrest for a misdemeanor offense within the jurisdiction of magistrates court that is committed in the presence of a law enforcement officer.

**H.3563 REVISIONS TO THE "SOUTH CAROLINA SELF-SERVICE STORAGE
FACILITY ACT" Rep. Delleney**

Relating to self-service storage facilities, this legislation defines 'electronic mail'. The legislation provides when rent or other charges are five or more days past due the owner may deny the occupant access to the personal property, and the occupant is considered in default. The legislation provides that when rent or other charges are fourteen or more days past due the occupant must be notified, and the legislation provides the process by which a defaulting occupant's personal property may be destroyed or sold.

**H.3564 POSSESSION OF A HANDGUN OR CONCEALED WEAPONS
PERMIT BY THE MENTALLY ILL Rep. M. S. McLeod**

Relating to, among other things, individuals who are prohibited from possessing or acquiring a handgun, this legislation includes individuals adjudicated mentally ill and involuntarily committed to a mental institution for inpatient or outpatient treatment, individuals found not fit to stand trial, and individuals for whom a verdict has been returned "not guilty by reason of insanity" or "guilty but mentally ill". Relating to the involuntary commitment of individuals to a mental health institution, this legislation requires the probate court to notify the South Carolina Law Enforcement Division (SLED) if such a determination is made and requires SLED to transmit this information to the National Instant Criminal Background Check System (NICS). Relating to the involuntary commitment of children in need of mental health treatment, this legislation requires the probate court to notify SLED if such a determination is made and requires SLED to transmit this information to NICS. Relating to finding a defendant not fit to stand trial, this legislation requires the court to notify SLED that such a finding was made and requires SLED to transmit this information to NICS. Relating, respectively, to a defendant found not guilty by reason of insanity and a defendant found guilty but mentally ill, this legislation requires the trial judge to notify SLED that such verdicts were returned and requires SLED to transmit this information to NICS. This legislation requires SLED to transmit information received from the court to NICS and requires SLED to cross reference this information with SLED'S concealed weapons permit database and other databases that may contain information which may contribute to the safety and protection of the public. This legislation requires SLED to conduct a review of its concealed weapons permit database to determine if an individual reported to SLED by the court has a current permit and if so, requires SLED to notify the permittee and the sheriff of the county in which the permit was issued that the permit has been revoked and must be surrendered.

**H.3565 PERIODIC AUDITS OF COUNTY AND MUNICIPAL TREASURERS
AND CLERKS OF COURT** Rep. Pitts

This legislation relates to periodic audits of county and municipal treasurers and clerks of court; it requires the State Auditor to conduct the audit in cooperation with the entities that receive certain court fees. The legislation includes personnel from the affected entities in the audit team created by the State Auditor, and it provides that funds authorized to be used for this purpose may not be diverted to any other use or project.

H.3566 SEX OFFENDER REGISTRY Rep. Brannon

This legislation provides the family court with the discretion to determine whether a juvenile is placed on the sex offender registry.

H.3569 UNIFORM COMMERCIAL CODE - SECURED TRANSACTIONS
Rep. Bannister

This legislation makes various revisions to the Uniform Commercial Code- Secured Transactions.

H.3570 LAW ENFORCEMENT DOGS Rep. Tallon

Relating to the liability of an owner or keeper of a dog for a dog attack, this legislation provides that liability does not extend to trained law enforcement dogs in the performance of official duties or dogs acting in defense of a person. This legislation defines the term "patrol canine teams", and it provides for the certification of patrol canine teams.

H.3575 OFFENSES INVOLVING ASSAULT WEAPONS Rep. Gillard

The legislation defines the term "assault weapon". Relating to the unlawful transportation, storing, keeping, or possessing; and sale, rental, or giving away of machine guns, military firearms, or sawed-off shotguns or rifles, respectively, this legislation includes assault weapons in the list of weapons banned by the provisions of the statutes. Relating to penalties for violations of certain offenses involving weapons, this legislation includes assault weapons in the purview of the statute and increases the penalties for a violation and creates a two-tiered penalty scheme.

H.3580 LAW ENFORCEMENT DOGS Rep. D. C. Moss

This legislation provides for the certification of canine teams. The South Carolina Criminal Justice Academy shall verify that a patrol canine team has been certified by a nationally recognized police dog association or similar organization that has obtained its approval. The legislation provides certification requirements. No law enforcement or corrections agency may utilize a patrol canine team after January 1, 2014, unless the team has met all certification requirements.

H.3584 "PERSONHOOD ACT OF SOUTH CAROLINA" Rep. Putnam

This legislation enacts the "Personhood Act of South Carolina" which establishes that the right to life for each born and preborn human being vests at fertilization, and that the rights of due process and equal protection, guaranteed by Section 3, Article I of the Constitution of this State, vest at fertilization for each born and preborn human person.

H.3589 HATE CRIMES Rep. Whipper

This legislation provides penalties for a person convicted of certain crimes with the intent to assault, intimidate, or threaten a person because of his race, religion, color, sex, age, national origin, or sexual orientation. This bill provides additional penalties for persons who maliciously injure personal or real property of another person with the intent to assault, intimidate, or threaten that person because of his race, religion, color, sex, age, national origin, or sexual orientation.

H.3590 TELEVISION DEMAND MARKET AREAS Rep. H. A. Crawford

This legislation authorizes each county government to determine its demand market area and for notice of its determination to be sent to the Nielson company, the Federal Communications Commission, and its legislative delegation. Relating to the designation of powers under each alternative form of government, this legislation adds determination of a demand market area to the list of enumerated powers for county government. Relating to the duties of the county governing body, this legislation adds determination of a demand market area to the list of duties of a county board of commissioners.

H.3593 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO ELIGIBILITY TO HOLD ELECTIVE OFFICE Rep. Thayer

This joint resolution proposes to amend the State Constitution so as to provide that a person may not simultaneously offer for more than one state or local elective office in the same primary, special primary, runoff, or general or special election. The proposed amendment must be submitted to qualified electors at the next general election

H.3602 OFFENSES RELATING TO STEALING GOODS Rep. Weeks

This legislation creates an offense relating to stealing goods or merchandise from a merchant by affixing a product code and provides a penalty. The legislation creates an offense relating to retail theft and provides a penalty. Relating to the use of a false or fictitious name or address to obtain a refund from a business establishment for

merchandise, the legislation includes using a false or altered identification card to commit certain retail theft offenses. Relating to receiving stolen goods, this legislation includes receiving or possessing stolen goods when the person is on notice by law enforcement that the goods are stolen. Relating to default on court-ordered payments including restitution by persons on probation or parole and civil judgments and liens, this legislation includes defendants who default on the various magistrates court or municipal court-ordered payments including restitution in the purview of the statute and to provide that a filing fee or other fee may not be required when seeking a civil judgment. Relating to penalties the magistrates court may impose, restitution, and contempt, this legislation allows a magistrate to convert certain unpaid court-ordered payments to a civil judgment. Relating to the jurisdiction of the magistrates court over minor offenses, restitution, and contempt, this legislation allows a magistrate to convert certain unpaid court-ordered payments to a civil judgment and includes violations relating to receiving stolen goods and defrauding merchants in those offenses for which a magistrate has the power to sentence a person to consecutive terms of imprisonment totaling more than ninety days.

**H.3606 *CONDITIONAL PLEA OF GUILTY OR NO CONTEST OR NOLO
CONTENDERE* Rep. Stavrinakis**

This legislation provides that a defendant may enter a conditional plea of guilty or no contest or nolo contendere, upon reserving in writing prior to or at the time of his plea, the right to review of an adverse determination by the trial court of a: (1) motion to suppress claiming the unlawful search or seizure of evidence; (2) motion to suppress a custodial statement; or (3) motion to dismiss on constitutional grounds. A defendant who prevails on appeal is allowed to withdraw the conditional plea and a new trial must be granted except in cases when the charge is dismissed by the court. In the instant case, if a defendant has accepted a plea agreement offered by the State, a conditional plea may not be accepted by the court without the consent of the solicitor or other prosecuting attorney.

LABOR, COMMERCE AND INDUSTRY

**S.12 *JOB DEVELOPMENT CREDITS FOR EMPLOYEES ASSIGNED
THROUGH***

***PROFESSIONAL SERVICE EMPLOYER CONTRACTS* Sen. O'Dell**

This bill establishes provisions that allow a client company that contracts with a professional service employer and is assigned employees under that contract to be eligible for the job development credit.

**H.3568 *REVISING PENALTIES FOR MISUSE OF GAS, ELECTRIC, OR
WATER***

***UTILITY METERS AND FACILITIES* Rep. Weeks**

This bill provides for restructured graduated penalties for violations relating to altering, tampering with, or bypassing electric, gas, or water meters, the unlawful appropriation of gas, and section, and the wrongful use of gas and interference with gas meters.

H.3591 *"CERTIFICATE OF INSURANCE ACT"* Rep. Sandifer

This bill enacts the "Certificate of Insurance Act" to provide for the use, limitations, and other requirements of a certificate of insurance.

**H.3592 ENERGY INDEPENDENCE AND SUSTAINABLE CONSTRUCTION
ACT**

REVISIONS Rep. Sandifer

This bill revises the “Energy Independence and Sustainable Construction Act of 2007”, so as to eliminate certain definitions, change certification standards with which major facility projects must comply, eliminate reference to the LEED and Green Globes certification rating systems, and to make technical corrections.

**H.3604 MANUFACTURERS NOT SUBJECT TO A MUNICIPAL BUSINESS
LICENSE FEE ON GROSS INCOME DERIVED FROM INTERSTATE
OR**

INTERNATIONAL SALES OF ITS PRODUCTS Rep. Patrick

This bill revises powers conferred upon municipalities, so as to provide that a business involved in manufacturing is not subject to a business license fee on gross income derived from interstate or international sales of its manufactured products.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

**S.297 BIOPTIC TELESCOPIC LENSES FOR VISION ASSISTANCE
Sen. Grooms**

This legislation expands vision standards and training requirements to allow certain persons who wear bioptic telescopic lenses for vision assistance to obtain a driver's license.

H.3567 MENTAL HEALTH TREATMENT FOR CHILDREN Rep. Horne

This bill adds the term “young adults” in the definition of children and adolescents who are in need of mental health treatment in a residential facility. The bill also increases the eligibility age from under eighteen to under twenty-one.

WAYS AND MEANS

S.7 TAX PROVISION UPDATE Sen. Courson

This bill updates and conforms language and makes technical corrections to numerous tax code provisions relating to assessors, auditors, treasurers, and tax collectors.

S.15 “TAXPAYER FAIRNESS ACT” Sen. Grooms

This bill provides enacts the “Taxpayer Fairness Act” to provide that, in its interpretation of statutes, the South Carolina Department of Revenue, may not give the terms in the tax statutes of this state broader meaning than intended by department policy documents and regulations. The legislation provides that ambiguity in tax statutes must be resolved in favor of the taxpayer and requires the department to report ambiguities to certain members of the General Assembly.

**S.118 CANCELLATION OF LICENSE PLATE AND REGISTRATION WHEN A
VEHICLE OWNER MOVES OUT OF STATE Sen. Hayes**

This bill revises the procedure for the cancellation of a license plate and registration certificate when a vehicle owner moves out of state and the pertinent property tax refund due on that cancellation.

**S.125 AUTHORIZATION FOR THE BUDGET AND CONTROL BOARD TO
OFFER INSURANCE COVERAGE TO LOCAL COUNCILS ON AGING
AND SIMILAR GROUPS Sen. Alexander**

This bill authorizes the State Budget and Control Board, through the Insurance Reserve Fund, to offer insurance coverage to local councils on aging or other entities providing countywide services for the aging, established as governmental agencies or as private nonprofit entities, if the provider receives funding from the Office on Aging within the Office of the Lieutenant Governor.

**H.3557 EXPANSION OF THE TAX CREDIT FOR PORT CARGO VOLUME
INCREASE Rep. Cobb-Hunter**

This bill expands the types of businesses that qualify for the tax credit for port cargo volume increase, affords the Coordinating Council for Economic Development discretion in awarding credits, and provides that taxpayers engaged in the movement of goods imported or exported through South Carolina's port facilities may be eligible for the credit if the cargo supports a presence in the state and meets other job and capital investment requirements.

H.3561 ACCOMMODATIONS TAX REVISIONS Rep. White

This bill revises accommodations tax provisions, to remove room service, amenities, entertainment, special items in promotional tourist packages, in room movies, and other guest services from the list of items subject to the five percent tax on additional surcharges.

**H.3605 TEXTILE MILL SITE REDEVELOPMENT TAX CREDITS MADE
TRANSFERABLE Rep. Hamilton**

This bill revises the tax credits allowable for a portion of the expenses incurred by a taxpayer in the rehabilitation, renovation, or redevelopment of a textile mill site, so as to make the income tax credits allowed transferable.

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